

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

United States of America
v.
WILLIAM MCDONALD

Case No. 22-M-426 (SCD)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/07/2021 and 04/19/2022 in the county of Milwaukee in the Eastern District of Wisconsin, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
42 U.S.C. § 3631	willfully injuring, intimidating, or interfering with another's housing rights because of their race, color, or national origin by force or threat of force

This criminal complaint is based on these facts:

See the attached affidavit.

Continued on the attached sheet.

Complainant's signature

Special Agent Colleen Brennan (FBI)

Printed name and title

Sworn via telephone; transmitted via email pursuant to Fed. R. Crim. 4.1

Date: 04/19/2022

City and state: Milwaukee, Wisconsin

Stephen C. Dries, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Colleen Brennan, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a criminal complaint charging WILLIAM MCDONALD with violations of 42 U.S.C. § 3631 (willfully injuring, intimidating, or interfering with another's housing rights because of their race, color, or national origin by force or threat of force).

2. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since March 2019. I am currently assigned to an FBI squad which investigates civil rights crimes, financial crimes, and public corruption crimes. During my tenure with the FBI, I have participated in investigations into bias-motivated crimes which involve crimes committed based on a victim's race, color, religion, or national origin. In addition, I have been part of bias-motivated crime investigations where the victim was engaged in a federally-protected activity including the right to enjoy or occupy a dwelling. I have participated in various surveillance techniques and in the execution of various search, seizure, and arrest warrants. I have been part of investigations where electronic surveillance tools such as basic subscriber, transactional, and location information were utilized to further investigations, while satisfying the legal standards associated with them.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. Throughout this affidavit, I refer to case agents. Case agents are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom I have had regular contact regarding this investigation.

4. Because I submit this affidavit for the limited purpose of securing authorization for a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish probable cause.

PROBABLE CAUSE

5. The FBI is investigating allegations that WILLIAM MCDONALD used force or threatened to use force to injure, intimidate, or interfere with his victims' housing rights because of their race, color, or national origin, in violation of 42 U.S.C. § 3631, all in the Eastern District of Wisconsin.

6. VICTIM 1 is African American and resided at an apartment complex located at 14XX South 79th Street West Allis, Wisconsin. On March 7, 2021, VICTIM 1 parked her vehicle on 79th Street, in front of her apartment complex. On March 7, 2021, VICTIM 1 went out to her vehicle and saw that all four tires of her vehicle had been slashed.

7. On March 8, 2021, VICTIM 1 returned to her vehicle to find the vehicle's windshield had been broken. There was also a note sitting on the windshield. The note contained the following language written on stationary from a chain restaurant ("chain restaurant"): "BETTER WATCH WHO THE FUCK YOU TALK SHIT TO UGLY FAT NIGGER BITCH! I KNOW WHERE YOU LIVE. IF I SEE YOU AGAIN, I'LL SLASH YOUR FUCKING THROAT. GET THE FUCK BACK TO THE NORTHSIDE WHERE YOU BELONG FUCKING NIGGER!" The top of the stationary has the following printing on it: "Property of [chain restaurant]. Confidential Information. Do not duplicate or distribute outside of this company."

8. On March 17, 2021, VICTIM 1 found another note on her vehicle. The vehicle was parked outside of her apartment complex on South 79th Street. The note was written on identical stationary from the chain restaurant and contained the following language: "Your last warning to

get the fuck outta my neighborhood before I slash your shit again. No problem with BLACK people. Only problems with ghetto punk NIGGERS like you!” VICTIM 1’s front two tires were once again slashed. The bottom of the stationary had the following printing on it: “Property of [chain restaurant] Confidential Information. Do not duplicate or distribute outside of this company”.

9. VICTIM 2 is Puerto Rican and resides in an apartment complex located at 87XX West Mitchell Street, West Allis, Wisconsin. VICTIM 2 has a minor son (VICTIM 3), who is African American. On the morning of October 29, 2021, VICTIM 2 found a note on her vehicle containing the following language: “I’m watching all you piece of shit niggers moving into MY neighborhood. Keep speeding + driving like the dumb disrespectful nigger you are + next time it will be your windshield nigger. Get the fuck back to the ghetto nigger northside + stay there. Take all your monkey friends + family too. That’s where you belong.” In addition to the note, two of VICTIM 2’s vehicle tires were flat. No other damage to VICTIM 2’s vehicle was identified, but shards of broken glass were found around her vehicle.

10. VICTIM 4 resided with his girlfriend, VICTIM 5, in an apartment complex located at 87XX West Mitchell Street, West Allis, Wisconsin. VICTIM 4 and 5 also have a minor child, VICTIM 6, who lives with them at this address. VICTIMS 4, 5, and 6 are all African American. On February 3, 2022, their vehicle was parked outside their apartment complex on West Mitchell Street. On February 4, 2022, VICTIM 5 started their vehicle and, while driving, noticed the two driver’s side tires were flat. VICTIM 5 pulled over near the intersection of West Greenfield Avenue and South 84th Street in West Allis, Wisconsin. VICTIM 5 called VICTIM 4 and asked for help with the tires. VICTIM 4 and his friend met VICTIM 5. VICTIM 4 thought the two flat tires appeared as if they had been stabbed. VICTIM 4’s friend found a note on the driver’s side

windshield. The note contained the following language: “Get the fuck out of MY neighborhood NIGGER!”

11. On February 22, 2022, at approximately 6:00 p.m., VICTIM 4 and VICTIM 5 left their vehicle parked in front of their previous residence on 87XX West Mitchell Street, West Allis, Wisconsin. On February 23, 2022, VICTIM 4 and VICTIM 5 returned to their vehicle and found that the driver’s side window of their vehicle had been broken.

12. On February 28, 2022, at approximately 7:00 a.m., VICTIM 4 went out to his vehicle and saw both driver’s side tires had been slashed. There was also a note placed under the windshield wiper of his vehicle. The note contained the following language: “Keep speeding in MY neighborhood NIGGER. Next time it will be your windshield. Get back to the north side piece of shit NIGGER.”

13. On March 12, 2022, at approximately 10:30 p.m., VICTIM 4 and VICTIM 5 parked their vehicle in front of their previous residence at 87XX West Mitchell Street, West Allis, Wisconsin. At approximately 11:43 a.m. on March 13, 2022, VICTIMS 4 and 5 returned to their vehicle and found their two driver’s side tires had been slashed and a note had been left on the vehicle’s windshield. The note contained the following language, “You thought I was playing about driving + speeding in MY neighborhood you piece of shit nigger? Get the fuck back to the nigger northside where you belong before I put sand in your gas tank nigger.”

14. On April 2, 2022, VICTIM 7, a female African American who has two African American sons (VICTIM 8 and 9), moved into the same apartment complex as MCDONALD. On April 5, 2022, VICTIM 7 found the word “NIGGER” written in black pen on the front door of her apartment. Additionally, on April 5, 2022, VICTIM 7 found a note had been placed under her apartment door that stated “get the fuck out niggers. Your NOT wanted here.” On April 7, 2022,

VICTIM 7 found a second note under her apartment door that stated: “stay here + see what the fuck happens nigger.” VICTIM 7 stated that the front and back doors of the apartment complex are always locked, and a key is needed for entry, unless you are buzzed in. MCDONALD lives at the 17XX South 84th Street, Apartment XX, West Allis, Wisconsin (“WILLIAM MCDONALD’s apartment)—the same apartment building. Due to the hateful notes and the writing on the apartment door, VICTIM 8 and VICTIM 9 are no longer living with VICTIM 7 at her apartment out of fear for their safety.

15. Following the February 28, 2022 incident, the FBI established video surveillance near the area of 87XX West Mitchell Street. On March 14, 2022, I reviewed the video surveillance footage for any evidence related to the incident that was discovered on March 13, 2022. At 5:43:19 a.m., a dark colored four door sedan (hereinafter “Suspect Vehicle”) can be seen driving west on West Mitchell Street, past 87XX West Mitchell, with their headlights on. At 5:43:45 a.m., the Suspect Vehicle drives back east on West Mitchell Street, past 87XX West Mitchell, with the headlights off, but brake lights still on. The Suspect Vehicle stops next to VICTIM 4’s vehicle. The brake lights go off at 5:43:47 a.m., as the Suspect Vehicle is right next to the VICTIM 4’s vehicle. At 5:43:58 a.m., the Suspect Vehicle’s brake lights go back on, and it continues to drive east on West Mitchell Street.

16. The FBI also determined that a local property management company had video surveillance established near the residence of 87XX West Mitchell Street. Their cameras were set up on the exterior of 87XX West Mitchell Street and were facing south towards West Mitchell Street. On March 15, 2022, an FBI agent went to VICTIM 4’s residence, with the property management company, and retrieved the video footage. FBI agents downloaded and reviewed the video footage. Although the time stamp was not accurate, the property management camera

footage matched the FBI video footage and the same pattern of activity was observed on both cameras. Additionally, the same Suspect Vehicle, described as a dark colored four door sedan, was observed in the property management footage. The property management footage showed the incident from a different angle, and was from a better vantage point than the FBI video footage. Based off the property management footage, the Suspect Vehicle could be more clearly identified, and was identified as being a dark colored, four door sedan, that was either a 2006 or 2007 Ford 500. The property management video footage also clearly showed an individual exit the Suspect Vehicle and place something under VICTIM 4's driver's side windshield wiper. The individual then reached down and paused, at each driver's side tire, for approximately one second. The individual then reentered the Suspect Vehicle, and the vehicle's brake lights came back on. The Suspect Vehicle then drove east down West Mitchell Street.

17. On March 15, 2022, while reviewing live video surveillance of the area near 87XX West Mitchell Street, FBI agents identified a blue four door sedan that appeared similar to the Suspect Vehicle, drive east, past 87XX West Mitchell Street. Using the video surveillance recording, FBI agents were able to attain a still frame image of the Suspect Vehicle. On March 15, 2022, FBI agents shared the photo of the Suspect Vehicle with the West Allis Police Department, and requested they attempt to identify the license plate of any vehicles in the area that appeared similar.

18. On March 15, 2022, the West Allis Police Department provided the FBI with information pertaining to a vehicle they had identified in the area that matched the still image of the Suspect Vehicle, provided to them by the FBI. This vehicle was a blue 2007 Ford Five Hundred, four door sedan, with Wisconsin license plate ALB-7712. The blue 2007 Ford Five Hundred is registered to owner, WILLIAM A. MCDONALD. The blue 2007 Ford Five Hundred

was observed parked and unoccupied on the south side of West Mitchell Street near WILLIAM MCDONALD's apartment. The blue 2007 Ford Five Hundred had a registered city parking permit, which was procured on January 3, 2022. Parking records indicate that the blue 2007 Ford Five Hundred was designated to be parked at the registered address of WILLIAM MCDONALD's apartment.

19. The victims identified all lived under an approximately one-mile radius of each other in West Allis, Wisconsin. Each of these victims received notes on their vehicles or at their homes containing hateful and threatening language referencing their race. Each vehicle and home were damaged at the time the notes were left. Three of the six notes, specifically notes four through six, were placed inside of plastic sandwich bags. When VICTIMS 4, 5, and 6 found the notes on their vehicle, the note was inside of the plastic sandwich bag.

20. WILLIAM MCDONALD's apartment is located within the same city, West Allis, Wisconsin, as all the identified victims. According to Google Maps, the WILLIAM MCDONALD's apartment is located approximately 0.7 miles from VICTIM 1's previous residence, approximately 0.3 miles from VICTIM 2 and 3's residence, and approximately 0.2 miles from VICTIM 4, 5, and 6's previous residence, and in the same building as VICTIM 7's residence. The victims' vehicles were parked on a public street in close proximity to their residences. As a result of receiving the hate notes, VICTIMS 1, 4, 5, and 6, moved out of their residences and out of the town of West Allis. VICTIMS 1, 4, and 5, all stated that their sole reason for moving was due to the hateful notes and vandalism that happened to their vehicles. Prior to receiving the hateful notes and having their vehicles vandalized, VICTIMS 1, 4, 5, and 6 were all happily living in West Allis, and had no desire to move.

21. FBI agents reviewed the still image of the Suspect Vehicle and compared it to images taken by the West Allis Police Department of the blue 2007 Ford Five Hundred. The blue 2007 Ford Five Hundred has a bumper sticker on the upper driver's side trunk. The still image of the Suspect Vehicle depicts a square outline corresponding in size, shape, and location on the upper driver's side trunk in the same location as the blue 2007 Ford Five Hundred's bumper sticker. Additionally, the blue 2007 Ford Five Hundred has a circular West Allis parking pass affixed to the vehicle between the driver side window and rear driver's side passenger seat window. The Suspect Vehicle image also depicts a circular outline corresponding in size, shape and location with the blue 2007 Ford Five Hundred's parking pass.

22. On March 16, 2022, FBI agents requested a video enhancement of the property management company video surveillance. The request was for an enhancement of the Suspect Vehicle seen on March 13, 2022. On March 16, 2022, FBI agents reviewed the enhanced video. The enhanced video of the Suspect Vehicle confirmed the circle outline of the parking pass between the driver side window and passenger seat behind the driver's side window, and the square outline of the bumper sticker on the upper driver's side of the trunk.

23. According to information provided by the Wisconsin Department of Transportation, the blue 2007 Ford Five Hundred is registered to MCDONALD and the associated registration address is the WILLIAM MCDONALD's apartment.

24. A criminal history records check for MCDONALD showed that in 2003, MCDONALD was arrested for keying the vehicle belonging to his ex-girlfriend's new boyfriend. MCDONALD was also listed as a suspect in damaging the windshields on vehicles at a car dealership he worked at in 2018.

25. The criminal history records also identified WILLIAM MCDONALD's driver's license as having been issued on November 21, 2019, with an expiration date on November 21, 2027. WILLIAM MCDONALD's driver's license address was updated on September 26, 2021 to WILLIAM MCDONALD's apartment.

26. I have reviewed information from West Allis Police Department records, which indicate that in November 2021, and December 2021, WILLIAM MCDONALD telephoned the West Allis Police Department approximately 26 different times to report drivers who were speeding and driving recklessly. For each of these telephone calls, WILLIAM MCDONALD telephoned the West Allis Police Department from his telephone number. For one of these telephone calls, on December 7, 2021, WILLIAM MCDONALD telephoned the West Allis Police department to complain about a reckless driver. A West Allis police officer met MCDONALD outside of the WILLIAM MCDONALD's apartment and interviewed MCDONALD about his complaint. The interview was captured on the West Allis police officer's Axon body camera. In the video, MCDONALD provided his name, a date of birth, and his telephone number. When MCDONALD was asked where he lived, MCDONALD pointed to his apartment building and stated that he lived at the WILLIAM MCDONALD's apartment. The notes that were left on the windshields of the vehicles of VICTIM 2 and VICTIMS 4 and 5 made references to speeding through the neighborhood. Around the same time of MCDONALD telephoning the West Allis Police Department to report speeding, on October 29, 2021, VICTIM 2 received a note on her car that stated: "Keep speeding + driving like the dumb disrespectful nigger you are." Later in February 2022 and March 2022, VICTIM 4 and VICTIM 5 received notes that referred to speeding, specifically: "Keep speeding in MY neighborhood NIGGER. Next time it will be your windshield. Get back to the north side piece of shit NIGGER." and "You thought I was playing

about driving + speeding in MY neighborhood you piece of shit nigger? Get the fuck back to the nigger northside where you belong before I put sand in your gas tank nigger."

27. According to information provided by the Wisconsin Department of Workforce Development, MCDONALD worked at the chain restaurant in 2019. According to information provided by the chain restaurant, notebook stationary that has the disclaimer found on the two notes left on VICTIM 1's vehicle is not available to the public, and is only available to someone who worked at the chain restaurant.

28. On March 14, 2022, VICTIM 4 and VICTIM 5 were interviewed by multiple news outlets in the Milwaukee area. In the news articles and videos, it was made known there were cameras recording the area of 87XX West Mitchell Street. On March 17, 2022, FBI agents conducted a spot check on the blue 2007 Ford Five Hundred. The bumper sticker previously identified on the blue 2007 Ford Five Hundred's upper driver's side of the trunk in video surveillance and in the photos provided by the West Allis Police Department was removed.

29. On March 18, 2022, at approximately 7:33 a.m., the West Allis Police Department conducted a vehicle stop on WILLIAM MCDONALD for not signaling on a turn and not wearing a seat belt. WILLIAM MCDONALD was issued a citation. The West Allis Police Department recorded WILLIAM MCDONALD's vehicle stop via body camera and both audio and video were captured. FBI agents reviewed the body camera footage. WILLIAM MCDONALD was driving the blue 2007 Ford Five Hundred and provided paperwork to the West Allis Police Department that listed the blue 2007 Ford Five Hundred as being registered to WILLIAM MCDONALD. WILLIAM MCDONALD provided his address as WILLIAM MCDONALD's apartment. Additionally, WILLIAM MCDONALD's vehicle was pulled over across the street from the WILLIAM MCDONALD's apartment, and when WILLIAM MCDONALD was asked where he

lived, WILLIAM MCDONALD pointed to the WILLIAM MCDONALD's apartment. According to information provided by the West Allis Police Department, during the vehicle stop of WILLIAM MCDONALD, West Allis Police observed a baseball bat and a large sized rock in his passenger seat.

30. During the vehicle stop, a West Allis police officer asked WILLIAM MCDONALD to sign his name and write down his e-mail address on the citation. WILLIAM MCDONALD signed his name and wrote down his e-mail. WILLIAM MCDONALD's handwriting in his e-mail address is the same handwriting in the six hate notes, specifically the lowercase letters "a" and "g", which are very distinct. The West Allis police officer asked MCDONALD to provide his telephone number, and WILLIAM MCDONALD verbally provided his telephone number.

31. According to legal process served on Verizon, on the night of February 3, 2022, and into the morning of February 4, 2022, which was the morning when VICTIM 4 and VICTIM 5 found the first note that had been left on their vehicle, the location information for WILLIAM MCDONALD's telephone number was consistent with being in the same geographic area.

32. On or about April 11, 2022, a United States Magistrate Judge of the Eastern District of Wisconsin issued a warrant authorizing the search of WILLIAM MCDONALD's residence, vehicle, and person.

33. On April 19, 2022, the FBI executed the warrant at WILLIAM MCDONALD's apartment. Case agents stopped WILLIAM MCDONALD as he was approaching his blue 2007 Ford Five Hundred. WILLIAM MCDONALD acknowledged that the blue 2007 Ford Five Hundred belonged to him, and indicated that he did not know of anyone else who drove his vehicle. He also admitted to removing the bumper sticker from the vehicle. He denied writing any of the

hate notes. WILLIAM MCDONALD provided the keys to the blue 2007 Ford Five Hundred and his apartment.

34. Inside of WILLIAM MCDONALD's vehicle, case agents found two screwdrivers, a baseball bat, and a handwritten note in a plastic sandwich bag, which stated in substance: "Drive like a stupid ghetto fuckin nigger in MY neighborhood. This is what happens bitch. I'm watching all you fuckin monkeys around here. Get the fuck back to the northside ghetto where you belong. Next time it will be your windshield you piece of shit fucking nigger. TEST ME!" The handwriting on this note was consistent with the handwriting on the other hate notes, and the plastic sandwich bag was consistent with some of other notes, in that the sandwich bag had a green zip top.

35. Inside of the apartment, agents found three jars of marijuana, a cigar box, a digital scale, and a box of plastic sandwich bags consistent with the plastic bags recovered from the some of the victims' vehicles.

36. During an interview, WILLIAM MCDONALD stated in substance: "So I'm getting arrested for a note that you found in my car?"

CONCLUSION

41. Based on the above information and facts, I submit that there is probable cause to believe that WILLIAM MCDONALD committed violations of 42 U.S.C. § 3631 (willfully injuring, intimidating, or interfering with another's housing rights because of their race, color, or national origin by force or threat of force) in the Eastern District of Wisconsin.